

HB 788 -- PUBLIC CONSTRUCTION CONTRACTS

SPONSOR: Vescovo

Currently, when engaged in the procurement or letting of contracts for construction that are funded by more than 50% of state funds, the state or any of its agencies must ensure that project agreements and controlling documents do not require or prohibit bidders from entering into agreements with labor organizations or discriminate against bidders for entering or refusing to enter into agreements with labor organizations. This bill removes the threshold requirement that the project be funded by more than 50% of state funds and adds a contract for the repair, remodeling, or demolition of a facility.

The bill also prohibits the state or any of its agencies from issuing or awarding grants, tax abatements, or tax credits or entering into cooperative agreements for construction projects or for the improvement, maintenance, or renovation to real property or fixtures which require that the bid specifications, project agreements, or other controlling documents encourage or discriminate against involvement with labor organizations as specified in the bill.

Specified provisions regarding the fairness in public construction laws must not prohibit the state or any of its agencies from awarding a contract, grant, tax abatement, or tax credit to a private owner, bidder, contractor, or subcontractor who enters or who is party to an agreement with a labor organization if the involvement with or refusal to be involved with a labor organization is not a required condition for the award of the contract, grant, tax abatement, or tax credit and if the state does not discriminate against a private owner, bidder, contractor, or subcontractor in the award based upon the status of his or her willingness or refusal to become a party to an agreement with a labor organization.

The state or any of its agencies may exempt a particular project, contract, subcontract, grant, tax abatement, or tax credit from the requirements of the fairness in public construction laws if it finds, after public notice and a hearing, that special circumstances require an exemption to avert an imminent threat to public health or safety. A special circumstance finding must not be based on the possibility or presence of a labor dispute concerning the use of contractors or employees on the project who are not involved with a labor organization.